

COASTAL CONSERVANCY

Staff Recommendation
March 8, 2007

EAST BAY GREENWAY

File No. 06-028
Project Manager: Maxene Spellman

RECOMMENDED ACTION: Modification of the Conservancy's April 27, 2006 authorization for the preparation of a conceptual plan for the East Bay Greenway Project in Alameda County by revising the scope of the planning activities and by authorizing an additional disbursement of up to \$35,000 to Urban Ecology to augment the project.

LOCATION: Alameda County northwest from the City of Hayward to 15th Avenue in Oakland, along the corridor beneath the elevated track of the Bay Area Rapid Transit system. (Exhibit 1: Project Location and Site Map)

PROGRAM CATEGORY: San Francisco Bay Area Conservancy

EXHIBITS

Exhibit 1: Project Location and Site Map

Exhibit 2: April 27, 2006 Staff Recommendation

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31160 through 31164 of the Public Resources Code:

The State Coastal Conservancy hereby modifies its April 27, 2006 authorization for the preparation of a conceptual plan for the East Bay Greenway Project in Alameda County by revising the scope of the planning activities, as described in the accompanying staff recommendation, and by authorizing the disbursement of an additional amount not to exceed thirty-five thousand dollars (\$35,000) to the Urban Ecology Center for the project. This authorization is subject to the same conditions imposed by the Conservancy's April 27, 2006 authorization."

Staff further recommends that the Conservancy adopt the following findings:

"Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. Disbursement of additional funds for and revision of the scope of the conceptual plan for the East Bay Greenway project is consistent with the Conservancy authorization and findings adopted on April 27, 2006, and with the staff recommendation of that date, attached as Exhibit 1 to the accompanying staff recommendation.”

PROJECT SUMMARY:

A. Change in Scope

As described in the April 27, 2006 staff recommendation (Exhibit 2), this project will result in the preparation of a conceptual plan for a proposed East Bay Greenway, an open space and public access corridor along the right-of-way beneath the elevated Bay Area Rapid Transit (BART) track. That right-of-way runs for approximately 30 miles in a northwest direction from Fremont to 15th Avenue in Oakland. At the April 27, 2006 meeting, the Conservancy approved funding in the amount of \$100,000. Anticipated matching funds and in-kind services (\$230,000) brought the total for the project to approximately \$330,000. At the time of the April approval, it was contemplated that these funds would enable Urban Ecology to complete the planning process and environmental documentation for the full 30 miles from Fremont to Oakland.

As now proposed, the project will be modified to reduce the extent of the planning so that it will cover 12 out of the 30 miles of the East Bay Greenway - from Hayward north to Oakland - rather than the full 30 miles. Although Urban Ecology has raised and committed close to the expected match in funding (\$229,500), the full funding will go towards completing plans for the reduced scope of 12 out of 30 miles of trail. However, instead of producing just a conceptual plan, Urban Ecology proposes to increase planning activities to also prepare 35% engineering drawings for the 12 miles of trail.

The reason for the decrease in the length of trail covered by the planning and the increase in planning activity is as follows. As explained in the April 27, 2006 staff recommendation, in the immediate future BART is undertaking retrofit of its tracks and facilities between Fremont and Oakland. The Greenway has been proposed by Urban Ecology as part of that retrofit. The 12 mile segment to which Urban Ecology now proposes to devote Conservancy and other matching funding consists of the elevated portion of the BART tracks targeted for the majority of retrofit work. BART is giving priority to scheduling the planning for the retrofit of this segment as Phase I of its retrofit process. Urban Ecology recognizes that if the East Bay Greenway is to be incorporated within BART's work on the elevated Phase I segment, it needs to focus on meeting the BART imposed deadline for completing 35% engineering plans for the proposed trail beneath the 12 miles of tracks. This will enable BART to include the simultaneous implementation of the East Bay Greenway during the construction of the retrofit.

Urban Ecology fully intends to continue renewed fund raising and eventually complete planning for the remaining 18 miles of the East Bay Greenway stretching south from Hayward to Fremont where BART runs underground. Although no longer part of the Conservancy funded project, the planning for the remaining 18 mile segment is expected to involve improvements to the city street network near the BART right-of-way, and connections to existing stations.

B. Augmentation of Funds

In its April 27, 2006 authorization, the Conservancy authorized the disbursement of up to \$100,000 for the preparation of the conceptual plan including all feasibility studies, right-of-way research, mapping, conceptual designs with linkages to San Francisco Bay and Ridge Trails and neighborhood locations, cost estimates for construction, a schedule of operation and maintenance, agency negotiations, public hearings, and environmental analysis and documentation. The augmentation is needed to cover the unexpected higher cost of the last item: environmental analysis and documentation for the proposed 12 miles of the East Bay Greenway. The lowest bid for undertaking this task amounted to approximately \$50,000 more than anticipated. Conservancy staff agrees with the grantee that the lowest bidder will provide a comprehensive approach to delivering the necessary environmental analysis and documentation. Of the additional \$50,000 needed to complete the environmental documentation, the Executive Officer, under the authority delegated by the Conservancy, initially authorized a \$15,000 augmentation of the original grant, so that the grantee could continue to move forward with the work as quickly as possible. The proposed authorization would serve to fund the remaining \$35,000 needed to complete the task.

Project Status: Urban Ecology has already made significant progress in completing the other necessary project tasks. The organization has finalized about half of the research on existing conditions, site analysis and mapping, and has begun the design plans. The grantee has progressed in their outreach efforts to local jurisdictions, community groups and residents throughout the proposed Greenway corridor. For example, efforts have already resulted in proposed amendments to locally adopted plans to include mention of the future East Bay Greenway for pedestrian and bicycle trail planning. Urban Ecology has also continued fruitful negotiations with BART's retrofit project to strengthen the tie between it and the simultaneous creation of the East Bay Greenway.

Over the past year Urban Ecology has also implemented its approved work program on schedule, including the initiation of the process for undertaking the environmental documentation. In December 2006, the Conservancy's Executive Officer authorized a 15% augmentation to be applied towards the greater than expected cost of environmental documentation allowing work to commence right away.

Site Description: The location of the proposed Greenway project remains as described in the April 27, 2006 staff recommendation. . However, while the Conservancy approved funding for the entire 30 miles of trail, the modified project will consist of only 12 of the 30 miles of the BART corridor from Oakland to Hayward. This is labeled as Phase I on the Project Location and Site Map (Exhibit 2).

PROJECT FINANCING:

Coastal Conservancy - (Initial Authorization)	\$100,000
- (Executive Officer Augmentation)	15,000
- (Proposed Conservancy Augmentation)	<u>35,000</u>
Total	\$150,000
 Hass Jr. Fund	 78,500
The California Endowment	126,000
In-Kind (Urban Ecology)	<u>25,000</u>
Total Project Cost	\$379,500

The Conservancy's contribution of the proposed augmentation of \$35,000 is expected to come from its FY 05/06 appropriation from the "California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002" (Proposition 40) for the San Francisco Bay Area Conservancy Program. This funding source may be used for the deployment and development of land and water resources in accordance with the provisions of the Conservancy's enabling legislation, Division 21 of the Public Resources Code. The proposed project serves to assist in the development of land-based public access: it will result in a conceptual plan and engineering drawings for 12 miles out of 30 of the East Bay Greenway, a public access corridor within Alameda County, consistent with Chapter 4.5 of the Conservancy's enabling legislation as described below.

Proposition 40 also requires the Conservancy to give priority to projects with matching funds. This project is supported by substantial matching funds. Urban Ecology has received \$204,500 from other sources. Additionally, Urban Ecology is contributing approximately \$25,000 of in-kind services.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

As modified, the project remains consistent with the requirements of Chapter 4.5 of the Conservancy's enabling legislation, Public Resources Code Sections 31160-31164, as discussed at length in the April 27, 2006 staff recommendation (Exhibit 2).

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

The proposed modified project remains consistent with goals and objectives of the Conservancy's Strategic Plan, as described in the April 27, 2006 staff recommendation (Exhibit 2), but will reduce from 30 to 12 miles the objective of the creating regionally significant public access trails.

**CONSISTENCY WITH CONSERVANCY'S
PROJECT SELECTION CRITERIA & GUIDELINES:**

The proposed modified project remains consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, for all of the reasons specified in the April 27, 2006 staff recommendation (Exhibit 2).

COMPLIANCE WITH CEQA:

The modified project remains statutorily exempt from the provisions of the California Environmental Quality Act (CEQA), for the reasons described in the April 27, 2006 staff recommendation (Exhibit 2).

Staff filed a Notice of Exemption in May 2006 following the Conservancy's original, April 27, 2006 authorization for this project.